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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 18 April 2000, at 10 a.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-13168 (E)

The meeting was called to order at 10.25 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 9) (continued) (E/CN.4/2000/L.15, 16, 23, 25 and 27-30)

1. Mr. PARSHIKOV (Russian Federation), speaking on a point of order, called for urgent action to be taken against Mr. Akhyad Idigov who, although accredited to a non-governmental organization (NGO), persisted in styling himself the representative of the President of Chechnya. The previous day, that person had further flouted the Commission's rules of procedure by distributing in the hall a publication purporting to come from the Mission of the Chechen Republic of Ichkeria. He requested the Chairman to take steps to prevent such incidents in the future and to consider stripping Mr. Idigov of his NGO accreditation for the current session.

2. The CHAIRMAN reminded NGOs that any literature or press releases distributed in the hall or in pigeon-holes must always be approved by the Secretariat.

Draft resolution on the situation of human rights in the Democratic Republic of the Congo (E/CN.4/2000/L.15)

3. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and other sponsors, regretted that a mission by the Special Rapporteur to the Democratic Republic of the Congo had not yet been possible. The draft resolution renewed the Special Rapporteur's mandate and again called for an international joint mission to investigate all the massacres carried out in the country.

4. He drew attention to a number of changes to the text. In the fourth preambular paragraph, the words following "Congo" should be replaced by the following: "by all parties in the conflict, including acts of and incitement to ethnic hatred and violence". At the end of paragraph 1 (d), the following words should be added: "and in particular, the adoption in December 1999, in concertation with non-governmental organizations of the National Action Plan on the Promotion and Protection of Human Rights".

5. Paragraph 1 (g) should read:

> "The release and repatriation carried out under the auspices of the International Committee of the Red Cross in the Democratic Republic of the Congo in conformity with international humanitarian law of persons at risk mainly of Tutsi origin and of prisoners of war and calls for the release of those still in detention;"

6. In paragraph 1 (k), the words "the former President of Botswana" should be inserted before "Sir Ketumile Masire". In paragraph 4 (d), the words "and grave breaches of international humanitarian law" should be inserted after the word "violations". Lastly, the final paragraph should be numbered 6, not 10.

7. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Chile, Czech Republic, Ecuador, France, Japan, Latvia, Romania, Spain and the United States of America and the observers for Australia, Austria, Cyprus, Estonia, Finland, Greece, Hungary, Israel, Lithuania, Slovakia, Slovenia, Switzerland and Turkey had become sponsors of the draft resolution.

8. Mr. ZIVKOVIČ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for a further year and to carry out a joint mission to investigate all massacres carried out on the territory of the Democratic Republic of the Congo. The costs of those activities were estimated at US$ 138,600. Provisions in respect of extending the mandate of the Special Rapporteur had been included in the Programme Budget for the current biennium 2000-2001. The resources required for the investigative mission, amounting to US$ 96,100, had not been included.

9. The draft resolution, as orally revised, was adopted.

10. Mr. NAESS (Norway) said that international human rights law established rights for individuals and a correlative obligation on the part of States. The issue of individual responsibility was therefore irrelevant in that context. Penal responsibility for individuals under international law was confined to specific international crimes, such as genocide, crimes against humanity and war crimes. Terminology implying individual responsibility for human rights violations might therefore undermine the protection of human rights by weakening the State's obligations.

11. Furthermore, the language used in paragraph 4 (j) was not consistent with the mandate of the International Criminal Tribunal for Rwanda.

12. Mr. FERNÁNDEZ PALACIOS (Cuba) noted that a detailed statement of the financial implications of the draft resolution had been provided. A similar statement relating to the draft resolution on the right to food (E/CN.4/2000/L.19) had been denied the Commission at its 52nd meeting owing to the illness of the official responsible. He asked when such a statement would be forthcoming.

Draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/2000/L.16)

13. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and other sponsors, said that, while taking into account all noticeable improvements, the text expressed concern about continuing human rights violations in Iran. The Union was closely following the trial in Shiraz of 13 members of a religious minority. All trials should be conducted in conformity with international standards and follow due process of law, including openness and the right of defendants to choose their own defence counsel.

14. The Union was aware of the ongoing political process in Iran and shared expectations for an improved human rights situation. It was disappointed that it had not been possible to reach a consensus on the draft resolution, but hoped that an open and constructive dialogue would be possible in the future.

15. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Latvia and the observers for Bulgaria, Israel, Slovenia and Switzerland had become sponsors of the draft resolution.

16. Mr. AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference (COIC), said that the draft resolution should be opposed because it was designed to serve the political objectives of a few countries rather than to promote human rights. Moreover, significant progress had been made in Iran, as acknowledged and appreciated worldwide. It should be encouraged by United Nations human rights bodies. Adoption of the draft resolution would be counterproductive. The way to promote human rights was through cooperation, not threats and coercion.

17. Mr. KHORRAM (Observer for the Islamic Republic of Iran) said that the draft resolution constituted an abuse of the United Nations human rights procedures. As his statements on agenda items 5 to 13 showed, steps had been taken, particularly in recent years, to provide a favourable environment for the full realization of human rights in Iran, including freedom of expression. Reforms had also been undertaken to promote and protect constitutional liberties, strengthen democratic norms and institutions, promote the culture of participation and tolerance, enhance the accountability of public officials and increase transparency. The President's efforts to uphold the rule of law and his insistence that everyone was equal before the law were recognized worldwide. The newly appointed head of the judiciary had introduced several measures to ensure the due process of law and reform the judiciary.

18. Since 1997, more opportunities had been provided for women's participation in social and political affairs and efforts had been made to mainstream women's concerns into the national planning process.

19. Under the Constitution, all Iranians could enjoy their human rights without discrimination. The arrest and current trial of 8 Muslims and 13 Jews was simply an example of the rule of law. Nothing had happened illegally and there was no cause for concern. The President had recently met representatives of religious minorities and assured them that the trial would be a fair one. All the suspects had lawyers of their own choice. He hoped that they would be acquitted.

20. His Government had made further efforts to ensure the protection and promotion of the human rights of all Iranian religious minorities. In 1999 the Council of Expediency had approved new regulations entitled "Rights of Citizens", which emphasized the equality of all citizens before the law.

21. Narcotic drug smuggling was an international issue and required an international response, but his Government's call for cooperation in combating the highly equipped smugglers had unfortunately not met with an appropriate response. The Government had made every effort

to comply with its obligations under the International Covenants on Human Rights by limiting the application of capital punishment to the most serious crimes. If the traditional sponsors of the draft resolution contributed to the campaign against the production of and trafficking in narcotic drugs, there would be a decrease in smuggling and a consequent sharp decline in death sentences.

22. The Commission's Special Representatives had visited his country several times. A visit by the current holder of the post had been on the Government's agenda for two years but, in the light of a clear absence of the political will on the part of the sponsors to facilitate the visit with a view to discontinuing the annual resolution, the scheduled visit had been postponed. The Special Representative was, nonetheless, welcome.

23. The Government and the people of Iran were truly committed to democracy and the full implementation of programmes relating to the protection and promotion of human rights and fundamental freedoms. The trend of developments in that direction was irreversible. Regardless of the Commission's decision on the draft resolution, his Government would continue its reform policies.

24. Lastly, he reiterated his delegation's readiness to cooperate with the European Union on terminating the process of submitting a draft resolution, which had dragged on for 17 years. It had invited the sponsors to engage in serious negotiations on the human rights situation in Iran, but there had been no response. There were serious doubts, therefore, about the sponsors' real intentions.

25. Mr. ZIVKOVIČ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Representative on the Islamic Republic of Iran for a further year. The costs of the extension were estimated at US$ 36,100 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

26. Mr. AKRAM (Pakistan) requested that voting on the draft resolution be deferred for a couple of hours.

27. Mr. MENDONÇA E MOURA (Portugal) said that his delegation was willing to accede to that request.

28. The CHAIRMAN suggested that the draft resolution should be considered at the following meeting.

29. It was so decided.

Draft resolution on the human rights situation in southern Lebanon and west Bakaa (E/CN.4/2000/L.23)

30. Mr. AL-THANI (Qatar) introduced the draft resolution on behalf of its sponsors, highlighting the main provisions.

31. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representative of Indonesia and the observer for Palestine had become sponsors of the draft resolution.

32. Mr. PELEG (Observer for Israel) said that the draft resolution demonstrated that the Commission lived in an ivory tower, detached from reality since it failed to reflect changes in evolving situations in its draft resolutions. Were it aware of the facts, it would not express "deep regret" at his country's alleged "failure to implement Security Council resolution 425 (1978)" (second preambular paragraph) or call upon it to "withdraw from Lebanese territories" (para. 2). The Commission was surely aware that his Government had informed the Secretary-General the previous day of its decision to withdraw its forces from Lebanon by July 2000, in full accordance with Security Council resolutions 425 (1978) and 426 (1978). The Government of Lebanon, instead of involving itself in futile propaganda exercises, should sit down to peace negotiations with Israel. The Commission, for its part, should "wake up" and reflect the true situation in the Middle East in its resolutions. He thus urged members to vote against the draft resolution, in the interests of peace between Israel and Lebanon.

33. Mr. NASR (Observer for Lebanon) said that the previous speaker had not spoken any sense. It was not true that the international community lived in an "ivory tower". The true situation was that, as a direct result of Israeli occupation, Lebanese civilians were being subjected to human rights violations on a daily basis. Security Council resolution 425 had been adopted in 1978 and, at long last, Israel was expressing a desire to implement it. The precise nature of the "withdrawal", however, was unclear. Experience had shown that the promises of the Israeli Government could not always be believed; actions would speak louder than words.

34. The draft resolution was quite to the point, since it referred to ongoing human rights violations. Only the previous day, the Israeli Supreme Court had ordered the release of certain Lebanese detainees, but the Government had insisted on keeping them incarcerated for bargaining purposes. Nor had the situation in southern Lebanon and west Bakaa changed. His delegation thus urged the Commission to vote in favour of the draft resolution.

35. Mr. ZIVKOVIČ (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

36. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

37. Chile, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Romania.

38. The draft resolution was adopted by 51 votes to 1, with 1 abstention.

Draft resolution on the situation of human rights in Iraq (E/CN.4/2000/L.25)

39. Mr. MENDONÇA E MOURA (Portugal), introducing the draft resolution on behalf of the European Union and other sponsors, said that, since the newly appointed Special Rapporteur had not been in a position to present a full report on the situation in Iraq, the text was based on the report of the previous Special Rapporteur (A/54/466), covering the period from February to September 1999.

40. Despite the calls of the international community for the Government of Iraq to ensure human rights and fundamental freedoms for the Iraqi people, there had been no improvement in the situation. In that connection, he drew particular attention to the fifth preambular paragraph and to paragraphs 2 (a) and 3 (k). The draft resolution deplored the lack of cooperation of the Government with the previous Special Rapporteur and called upon it to invite the newly appointed Special Rapporteur to visit Iraq and accord him its full cooperation.

41. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Japan and Latvia and the observers for Israel, Malta and Slovakia had become sponsors of the draft resolution.

42. Mr. AL-DORI (Observer for Iraq) said that, according to both divine and international law, the rights to food and security were closely linked to the right to life. For 10 years, however, the monstrous embargo imposed by the United States and the United Kingdom had deprived the Iraqi people of the means necessary for a dignified life. Losses of human life continued, with United States and British air forces bombarding civilian targets - including agricultural and industrial installations - on a daily basis.

43. The draft resolution failed to reflect developments since 1991, including the growing opposition within the international community to the inhuman use of the economic embargo as a tool to impose political hegemony on States and to dismantle the social fabric of Iraq. The embargo had led to a mass genocide, and continued to cause the death of one child every minute.

44. The draft resolution was unbalanced, biased and politicized. Moreover, it was based on the reports of the former Special Rapporteur, who was a known tool of United States policy against Iraq. His delegation saw little point in reiterating its position on a text which was similar to that of the previous year. It had also already spoken of the dire humanitarian situation in Iraq and of the importance of providing a favourable environment for the full realization of human rights there.

45. If the drafters had been genuinely concerned about the humanitarian situation in Iraq, they would have referred openly to the impact of the embargo on both individual and collective human rights in the country, and to the enormous human and material losses caused by the

bombing. They would also have called for an international investigation into the use by the United States and United Kingdom of depleted uranium. The selectivity, double standards and politicization of human rights were clear to all. It was unfortunate that those were also the elements characterizing draft resolutions submitted against selected developing countries.

46. The text of the draft resolution even contradicted the reports of the Secretary-General on the situation, including his most recent (S/1999/1162), particularly with regard to the number of monitoring missions conducted in the country and the distribution of humanitarian supplies, which had been reported to be equitable.

47. As for the issue of missing Kuwaiti nationals, it should not be politicized for dubious ends. His Government was perfectly willing to cooperate with concerned States under the supervision of the International Committee of the Red Cross (ICRC), without any "foreign interference". The 1,150 cases of missing Iraqis were also, however, a matter of concern. His delegation called upon the Commission to vote against the draft resolution and thus work towards a cessation of the inhuman embargo against Iraq.

48. Mr. RAZZOOQI (Observer for Kuwait) said that the draft resolution did not exist in a vacuum; it was in response to the Iraqi invasion of Kuwait, the consequences of which had yet to be eliminated. The text was self-explanatory. He drew particular attention, however, to paragraph 3 (i), which called upon the Government of Iraq to cooperate with the Tripartite Commission to establish the whereabouts of missing persons and to release all Kuwaiti and third country nationals.

49. Iraq was a party to the Geneva Conventions and was thus obliged to release prisoners of war on humanitarian grounds. Although a total of 57 meetings had been held with the Government of that country on the issue, the latter had thus far failed to account for a single missing Kuwaiti national. If Iraq wished to be part of the international community, it must abide by its international obligations, including all the relevant Security Council resolutions. In that regard, he drew particular attention to paragraph 3 (j). A small State like Kuwait needed an umbrella to protect it, and he called upon the members of the Commission to support the draft resolution.

50. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur on Iraq for a further year. The costs of the extension of the mandate were estimated at US$ 45,600 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001. It was expected that the fielding of human rights monitors, under paragraph 4 (b) of the draft resolution, would be covered from extrabudgetary resources.

51. Mr. IBRAHIM (Sudan), speaking in explanation of vote before the voting, said that the draft resolution had ignored the adverse impact of the sanctions, as documented by many United Nations reports. A solution to the problem of missing persons that was satisfactory to all parties must be found. His delegation would abstain from voting and requested a roll-call vote.

52. Mr. BATCHELOR (United States of America) said his delegation supported the resolution because it recognized the massive human rights violations perpetrated by the regime of Saddam Hussein. The United States Government strongly disagreed with any suggestion that Security Council sanctions were responsible for the Iraqi people's suffering. The Iraqi regime had systematically denied them access to the food and medicines the oil-for-food programme had been designed to provide. It was time to end Saddam Hussein's impunity. All States should continue to provide the Special Rapporteur with information on the human rights situation in Iraq, including violations of international humanitarian law. His delegation would vote in favour of the draft resolution.

53. Mr. PARSHIKOV (Russian Federation), said that his delegation was in favour of the realization of all human rights and fundamental freedoms in Iraq, and of ensuring respect for the country's ethnic and religious minorities. It accordingly supported the full implementation of the Security Council resolutions aimed at normalizing the situation in the country. His delegation also welcomed the reflection in the draft resolution of the negative impact of the sanctions on the Iraqi population, including children.

54. However, the draft resolution lacked balance and failed to reflect adequately the multifaceted nature of the situation in Iraq. In parts, it was biased, or based on outdated, unsubstantiated or unreliable information, particularly regarding the Government's alleged "systematic, widespread and extremely grave violations of human rights and of international humanitarian law" (para. 2 (a)). There was also one-sided criticism of the authorities' activities in relation to national or religious minorities. Moreover, it was unjust to reproach the Government with a lack of cooperation with humanitarian agencies and discriminatory distribution of humanitarian aid. It was also inappropriate to refer to regions in which the Government's sovereignty was restricted, particularly in view of the unlawful bombing of the territory of a sovereign State.

55. The Government of Iraq still needed to do a great deal to ensure that international standards were implemented. His delegation supported the appeal to the Government to cooperate to that end with the Commission's mechanisms.

56. At the request of the representative of Sudan, the vote was taken by roll-call on the draft resolution.

57. France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bhutan, Botswana, Brazil, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Mauritius, Mexico, Norway, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Spain, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: None.

Abstaining: Bangladesh, Burundi, China, Congo, Cuba, India, Indonesia, Liberia, Madagascar, Morocco, Nepal, Niger, Nigeria, Pakistan, Qatar, Russian Federation, Sri Lanka, Sudan, Tunisia, Venezuela, Zambia.

58. The draft resolution was adopted by 32 votes to none, with 21 abstentions.

59. Mr. CHATTY (Tunisia) said that his delegation was in favour of finding a solution to the question of Kuwaiti prisoners of war and third country nationals, which might improve relations between the two countries and reduce tension in the region. On the other hand, it considered it necessary to respect the sovereignty of Iraq throughout its territory. Consequently, it had abstained from voting on the draft resolution. He appealed to the international community to help reduce the suffering of the Iraqi people, and particularly children, who were dying for lack of food and medicine.

60. Mr. SUTOYO (Indonesia) said his delegation had abstained because his Government believed that the international sanctions had been a significant factor in the deterioration in the human rights situation in Iraq. Lifting the sanctions would unquestionably help improve that situation. However, his delegation joined the international community in calling on Iraq to cooperate with the United Nations in establishing the whereabouts of those still missing, including prisoners of war, and to release immediately all Kuwaitis and third country nationals still detained in Iraq.

61. Mr. AL-THANI (Qatar) called on Iraq to respect all its international obligations and to comply with the Security Council resolutions on the release of detainees from Kuwait. His delegation had abstained because of the economic impact of the sanctions on the people and, especially the children, of Iraq. His Government would support any peaceful solution to the problem, which was a very serious one for the region.

62. Mr. ZAFERA (Madagascar) said that all members of the Commission had the duty to promote and protect human rights and should therefore not ignore the obstacles to the full enjoyment of those rights. The sanctions were having an appalling impact on the Iraqi people and, in the light of the concerns expressed recently by the Secretary-General and by the Executive Director of United Nations Children's Fund (UNICEF), that fact could no longer be ignored. His delegation had therefore abstained from voting.

Draft resolution on the situation of human rights in Afghanistan (E/CN.4/2000/L.26)

63. The CHAIRMAN, introducing the draft resolution, said it contained a consensus text agreed upon by all regional groups and was thus submitted by him in his capacity as Chairman.

64. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur on Afghanistan for a further year. The costs of the extension of the mandate were estimated at US$ 55,600 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

65. The draft resolution was adopted without a vote.

66. Mr. HARAGUCHI (Japan) said that his delegation welcomed the adoption of the resolution by consensus, which would send a strong message to all relevant parties in Afghanistan. In an effort to help improve the human rights situation in Afghanistan, and particularly the situation with regard to women's rights, his Government had recently held discussions with the Taliban and non-Taliban factions on a wide range of issues, including the preservation of cultural heritage, matters of international concern such as human rights and terrorism, and the question of peace in Afghanistan.

Draft resolution on the situation of human rights in Equatorial Guinea and assistance in the field of human rights (E/CN.4/2000/L.27)

67. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that it was the product of wide consultations in a spirit of commitment and cooperation. He acknowledged, in particular, the political will and flexibility shown by the Government of Equatorial Guinea. The text was a balanced one and would make it possible to move ahead with the process of change in the country. He recommended that it be adopted by consensus.

68. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the observer for Costa Rica had become a sponsor of the draft resolution.

69. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Representative on Equatorial Guinea for a further year. The costs of the extension of the mandate were estimated at US$ 45,600 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

70. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in Burundi (E/CN.4/2000/L.28)

71. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that it was the product of wide-ranging consultations in a spirit of cooperation. It reflected the changes that had taken place in Burundi in the last year and the fact that further efforts would be needed in the future to improve the human rights situation there. The Government of Burundi had continued to cooperate with the Commission and was urged to continue its actions towards national reconciliation, in order to pave the way for the return of democracy and peace.

72. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Norway, Japan and the United States, and the observers for Costa Rica and Israel had become sponsors of the draft resolution.

73. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would

decide to extend the mandate of the Special Rapporteur on Burundi for a further year. The costs of the extension of the mandate were estimated at US$ 60,100 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

74. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in Rwanda (E/CN.4/2000/L.29)

75. Mr. AYEWOH (Nigeria), introducing the draft resolution on behalf of the African Group, said that it was the product of open-ended consultations and had been closely scrutinized by States and other delegations. It reflected the changes that had taken place in Rwanda in the last year and the fact that further efforts would be needed in the future to improve the human rights situation there. The Government of Rwanda had continued to cooperate with the Commission mechanism and the Special Representative's report (E/CN.4/2000/41) testified to its commitment to progress. The text was a balanced one and capable of moving forward the evolving processes of change in Rwanda. He hoped it would be adopted by consensus.

76. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Canada, Norway, Japan and the United States, and the observers for Costa Rica and Israel had become sponsors of the draft resolution.

77. Mr. ZIVKOVIĆ (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Representative on Rwanda for a further year. The costs of the extension of the mandate were estimated at US$ 112,800 and the relevant provisions had been included in the Programme Budget for the current biennium 2000-2001.

78. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in China (E/CN.4/2000/L.30)

79. Mr. KOH (United States of America) introducing the draft resolution drew attention to the fact that paragraph 2 (d) had been separated into two parts: 2 (d) and 2 (e), which would read:

> "(d) At the severe measures taken to restrict the peaceful activities of Buddhists, Muslims, Christians and others who sought to exercise their internationally recognized rights of freedom of religion and peaceful assembly;
>
> (e) At the severe measure taken against adherents of spiritual movements such as Falun Gong who, in pursuing non-violent spiritual activities, sought to exercise their internationally recognized rights of freedom of conscience and of peaceful assembly;"

80. His delegation was submitting the resolution to the Commission without malice towards the Government of China or its people. Since the late 1970s, the United States and China had worked together on many regional and international problems. There had been commercial ties between the two nations for very many years.

81. China had recently had great success in liberalizing its economy and dramatically improving the standard of living of many of its citizens. To encourage that trend, his Government was currently making every effort to ensure that China would have Permanent Normal Trade Relations status if it entered the World Trade Organization (WTO). If China should enter the WTO, it would be required to tailor its domestic conduct to international standards and undergo scrutiny by that body without hiding behind no-action motions. The same should apply to its human rights record. However, the situation of human rights in China remained very poor and China's human rights practices fell far short of international standards and its human rights record had not only failed to improve, but had deteriorated in the past year.

82. In 1999, the Chinese authorities had intensified the suppression of organized dissent and freedom of thought, conscience and religion. China continued to commit serious human rights abuses in Tibet and refused to engage the Dalai Lama in dialogue to resolve long-standing differences, having, instead, chosen to engage in a campaign to discredit him. That year had also been marked by the exploitation of forced prison labour and continuing problems with regard to the human rights of women. In the circumstances, his delegation believed that the Commission had an obligation to its own mandate and the entire international community to examine China's human rights record on its merits.

83. Mr. QIAO Zonghuai (China) said that his delegation resolutely opposed the draft resolution, introduced by the delegation of the United States of America. In accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, he wished to move that the Commission should take no action on the draft resolution which was nothing more than a political farce directed against China by the United States and a mockery of the Commission and its members.

84. During the past year, the Chinese people had enjoyed political stability, economic development, national unity and comfortable living and working conditions. China was making unprecedented strides towards democracy, prosperity and the rule of law. The human rights situation in the country was at an all-time high.

85. The representative of the United States had asserted that the human rights situation in China had seriously deteriorated. That was a blatant lie. It was the United States that had violated the human rights of the Chinese people when, on 8 May 1999, it had bombed the Chinese Embassy in the Federal Republic of Yugoslavia, killing three Chinese journalists and wounding more than 20 embassy staff members in a gross violation of Chinese sovereignty and the human rights of the Chinese people. One year after that incident, the United States, which had yet to give satisfactory explanations of it to the Chinese Government and people, made unwarranted attacks on China at the Commission, in an attempt to confuse right and wrong.

86. The human rights situation in China had been improving steadily, and the real reason the United States had tabled such a slanderous resolution was its desire to serve the interests of its

own domestic party politics. That country had itself dealt ruthlessly with problematic cults, yet was giving unreserved support to an equally problematical cult in China. China had successfully used the humane approach of education to save an extremely large percentage of Falun Gong practitioners, and that should be regarded as a contribution to the international protection of human rights. The fact that the draft resolution made a groundless accusation against China in that regard was a typical example of double standards. The draft resolution could only provoke confrontation among the member States and obstruct the work of the Commission.

87. The assertion by the representative of the United States that the no-action motion proposed by China was against the rules of procedure of the Commission was absolute nonsense. The rules of procedure had been established by the Economic and Social Council and had been in use for many years. Rule 65, paragraph 2, had been invoked and applied on numerous occasions. Such motions had also often been used in other United Nations bodies. The United States itself had, on many occasions, used such motions in the General Assembly and other forums in order to block the adoption of resolutions and decisions that were not to its liking. The United States attack against China's move was a typical act of hegemony. The United States representative must remember that the Commission was not the United States Congress, and that the Commission followed the rules of procedure of the United Nations, not the will of the United States.

88. The United States alleged that China's no-action motion was aimed at seeking special treatment and obstructing discussion of China's human rights situation by the Commission. However, during the current session of the Commission, many delegations had made various comments on the human rights situation in China, and his delegation had provided information under the relevant agenda items on the measures its Government had adopted to promote and protect human rights. Throughout the session, the United States delegation had made constant reference to alleged human rights problems in China, and had exercised its right of reply to statements by the Chinese delegation. It could hardly complain that it was not able to discuss the question of human rights in China.

89. It was the United States that was seeking special treatment and using double standards on the question of human rights. It was constantly levelling accusations at developing countries, including China, in the name of human rights. However, the United States itself was notorious for racial discrimination, police brutality, prison torture, campus shootings and other serious violations of human rights. It constantly urged other countries to sign and ratify human rights conventions, whereas it refused to ratify the Convention on the Rights of the Child. If, as the United States delegation appeared to believe, the only way to discuss and improve a country's human rights situation was to introduce country-specific resolutions, its own scandalous human rights record could only be improved by the tabling of a draft resolution on the situation of human rights in the United States of America.

90. He therefore urged the Commission, in order to safeguard its credibility, to resist the political pressure of the United States and vote in favour of China's motion to take no action and against the United States draft resolution. He asked that the no-action motion be decided by a roll-call vote.

91. Ms. RUBIN (United States of America) said that the no-action motion presented a critical issue of principle for all members of the Commission. No nation's human rights record was above international scrutiny, yet, for years the Commission had allowed China to enjoy immunity. By signing international human rights instruments, China had acknowledged that its human rights record was a legitimate topic for discussion by the international community and the Commission on Human Rights. Asking China to conform to the international standards that it had acknowledged did not amount to interference in its internal affairs.

92. Her delegation believed that the Commission had a duty to reject no-action motions that were introduced for the sole purpose of preventing it from examining a country's record. Members of the Commission should be free to debate any issue pertaining to human rights, and should not condone double standards. All resolutions should be judged on their merits, and no Commission member should be allowed to hide its human rights record behind procedural manoeuvring. Her delegation therefore called on all Commission members to reject China's no-action motion.

93. Mr. PARSHIKOV (Russian Federation) said that human rights questions were increasingly being artificially politicized. The draft resolution in question was counter-productive. China had made significant progress with regard to human rights and the observation of international human rights standards, had signed several international conventions, overhauled its penal legislation and received a visit from the High Commissioner for Human Rights.

94. For a number of years, his Government had been engaged in a fruitful human rights dialogue with the Government of China. Recently, a number of other Governments had engaged in similar dialogues. That was the appropriate approach to such a great country. His delegation would therefore support the no-action motion.

95. Mr. MENDONÇA E MOURA (Portugal), explaining the position of the European Union and the associated countries of Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia and Turkey, expressed his regret at the introduction of a no-action motion by the delegation of China. It was a matter of principle for the Union to vote against no-action motions which were clearly aimed at preventing the Commission from dealing with specific country situations. No country should use procedural tools to evade criticism or judgement by the international community. For the Commission to discuss and decide to take action on a human rights situation in any country of the world did not constitute interference in the internal affairs of a country. A no-action motion ran counter to the principles of transparency and non-selectivity that were essential to the work of the Commission and brought into question the right of the Commission to deal with any country situation.

96. The Union was following the human rights situation in China with great attention, and was deeply concerned that, notwithstanding some improvement in the legal system and social and economic rights, little progress had been achieved with regard to civil and political rights. It strongly condemned the continuing restrictions upon fundamental freedoms, including freedom of thought, expression, religion, assembly and association, and expressed its concern at the harsh sentences imposed on political dissidents calling for democracy and at the alarming human rights situation in Tibet and Xinjiang.

97. It was equally dismayed by the severe sentences passed upon members of the Falun Gong movement, the use of administrative detention and the continued imposition of the death penalty. It attached great importance to the European Union-China human rights dialogue, which was kept constantly under review, but emphasized that the willingness of the Chinese authorities to discuss human rights issues of common concern must be translated into tangible action towards the full realization of the human rights of all persons under Chinese jurisdiction.

98. Mr. ALFONSO MARTINEZ (Cuba) said that the United States delegation employed double standards in dealing with issues relating to other countries. Its representative's statement had been full of sophisms and fallacies. It had clearly forgotten that the rules of procedure had existed long before the case of China had been introduced and that those rules applied equally to all countries without discrimination. The United States delegation appeared also to have forgotten what action it had itself taken in international forums. From the mid-1960s to the early 1970s, the United States delegation had consistently used the equivalent of a no-action motion, namely, Article 18, paragraph 3, of the Charter of the United Nations, to deny China its rightful seat in the General Assembly. It was therefore in no position to make hypocritical statements about the misuse of rules of procedure. His delegation would vote in favour of the no-action motion.

99. Mr. HYNES (Canada) said that his delegation consistently opposed no-action motions, believing that it was the Commission's fundamental responsibility to deal with human rights concerns. While it was true that the rules did allow for such motions, the current motion amounted to a denial of the Commission's mandate. His delegation would oppose the no-action motion and, if draft resolution E/CN.4/2000/L.30 was put to a vote, it would support it.

100. Mr. AKRAM (Pakistan) said that the Commission should not be an arena for political conflict, yet became one every year when a draft resolution was introduced on the situation of human rights in China. No case could be made for censuring China on human rights. If the purpose of States and Governments was to ensure social progress, China had done well in that regard. A recent report by the United Nations Development Programme (UNDP) emphasized that China had had remarkable success in reducing abject poverty. By the yardstick of human development, China's achievements were outstanding, and human conditions in the country had never been better.

101. The draft resolution was politically selective. Year after year, a draft resolution was introduced on human rights in China, whereas his own delegation was severely discouraged from introducing a draft resolution concerning another large country in Asia. It was argued that the introduction of a resolution on that country would incense it and lead it to terminate cooperation with human rights bodies. In the case of China, however, the opposite argument was used, namely, that the human rights situation would be improved if China was put under the spotlight. He wondered whether China was being put under the spotlight precisely because it was the most successful developing country, and whether it was not being contained rather than engaged.

102. The political antecedents of the current draft resolution were no secret. The International Herald Tribune had stated that the anti-China draft resolution was being tabled in order to satisfy the anti-China lobby and ease Congressional passage of the Permanent Normal

Trade Relations status. The Commission was thus being asked to take up positions against China in order to permit the sponsor of the draft resolution to enjoy the trade benefits accruing from China's opening markets.

103. According to Article 1, paragraph 4, of the Charter of the United Nations, one of the purposes of the United Nations was to be a centre for harmonizing the actions of nations. Consideration of the draft resolution in question was, however, likely to generate political confrontation between the two largest countries in the world. The rules of procedure provided for the possibility of no-action motions in order to prevent confrontation, and that provision appeared to be tailor-made for the current case.

104. Mr. PALIHAKKARA (Sri Lanka) said that no-action motions were not unique to the Commission. China had adopted positive measures with regard to human rights and cooperation with international bodies, and the international community should build on those measures, rather than rely on resolutions that failed to engage the cooperation of the country. His delegation would support the no-action motion.

105. Mr. IBRAHIM (Sudan) said that economic and social rights had been improved for many citizens in China, and China had cooperated with the Office of the High Commissioner for Human Rights (OHCHR). Such improvements in the situation should be appreciated. His delegation would support the no-action motion.

106. Mr. CHOWDHURY (Bangladesh) said that China should be encouraged and engaged in as broad a spectrum of activities as possible. His delegation would support the no-action motion.

107. At the request of the representative of China, a vote was taken by roll-call on the motion that no action should be taken on draft resolution E/CN.4/2000/L.30.

108. Rwanda, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Burundi, China, Congo, Cuba, India, Indonesia, Madagascar, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Sri Lanka, Sudan, Venezuela, Zambia.

Against: Canada, Colombia, Czech Republic, El Salvador, France, Germany, Guatemala, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Spain, Swaziland, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Chile, Ecuador, Liberia, Mauritius, Mexico, Philippines, Republic of Korea, Rwanda, Senegal, Tunisia.

109. The motion that no action should be taken on the draft resolution, was adopted by 22 votes to 18, with 12 absentions.

The meeting rose at 1.25 p.m.